

BOARD OF SUPERVISORS, COUNTY OF CALAVERAS
STATE OF CALIFORNIA
October 13, 2015

Resolution
No. 20151013104

**RESOLUTION CONTINUING THE EXISTENCE OF A
LOCAL HEALTH EMERGENCY JOINTLY PROCLAIMED BY
THE COUNTY ENVIRONMENTAL HEALTH DIRECTOR AND
COUNTY HEALTH OFFICER**

WHEREAS, California Health & Safety Code (H&S) Section 101080 empowers the local Director of Environmental Health to declare a Health Emergency within the jurisdiction whenever a release, spill, escape, or entry of waste is hazardous or may become hazardous because of a combination or reaction with other substances or materials in a manner the Director determines to be an immediate hazardous to public health; and

WHEREAS, Section 101080 of the California Health and Safety Code empowers the Local Health Officer to proclaim the existence or threatened existence of a local health emergency when the Local Health Officer reasonably determines that the waste is a hazardous waste or medical waste, or that it may become a hazardous waste or medical, subject to ratification by the Board of Supervisors within seven days and reaffirmation every fourteen days thereafter until such health emergency is terminated; and

WHEREAS, the Butte Fire has burned 818 structures, including 475 residences within the jurisdiction, giving rise to an imminent public health threat due to the burning, spilling, escaping, and releasing of hazardous materials contained therein and the toxicity of the burned debris and resulting ash; and

WHEREAS, the Butte Fire has forced the extended evacuation of residents from thousands of homes where, in combination with a loss of power to these homes, the spoilage of perishable food and medical items gives rise to an imminent and proximate threat of communicable and/or non-communicable disease; and

WHEREAS, the Butte Fire is likely to have damaged, destroyed, and/or contaminated an unknown number of wells which supply drinking water at properties through which the fire has burned, giving rise to an imminent and proximate threat of disease and/or release of a chemical agent or toxin; and

WHEREAS, the Calaveras County Health Officer does hereby find:

1. That conditions beginning on September 9, 2015, have created and are continuing to create debris, which may be or which may become hazardous waste and a threat to public health; and
2. That the threat to public health creates the immediate need to facilitate assistance and undertake preventive measures to protect the health of people and the environment and to inform the affected public of any potential health issues associated with the debris created by the Butte Fire, thereby necessitating the proclamation of the existence of a local health emergency; and
3. That assistance to private property owners and to the County is needed for timely implementation of necessary preventive measures to protect public health and the environment; and
4. That the scope and breadth of the Butte Fire, including but not limited to the many residences that have been damaged or destroyed creates an imminent threat to public

health in that there are apparent hazardous substances akin to any hazmat incident, which require a rapid response to be safely removed from the sites of burned structures; and

5. That the potential advent of the rainy season offers little time to mitigate further environmental contamination, including contamination of the watershed, meaning that time is of the essence in removing hazardous materials from property sites; and
6. That immediate action is necessary to remove toxic, flammable, corrosive, and reactive substances, including toxic burned debris and ash, from property sites within the Butte Fire area.

WHEREAS, the Board of Supervisors does hereby find that the Butte Fire has caused conditions of extreme peril to the health, safety and welfare of persons and property within the County of Calaveras as described in H&S Section 101080 with respect to both environmental and physical health, thereby necessitating the Proclamation of the existence of a Local Health Emergency; and

WHEREAS, local resources are unable to cope with the effects of this health emergency; and

NOW, THEREFORE, IT IS HEREBY PROCLAIMED, that a Local Health Emergency continues to exist in Calaveras County (per Attachment A); and

IT IS FURTHER ORDERED that, Supervisor Cliff Edson, Board Chair, and/or Shirley Ryan, County Administrative Officer, remain designated as the authorized representatives of the County of Calaveras for the purpose of receipt, processing, and coordination of all inquiries and requirements necessary to obtain available State and Federal assistance with respect to this emergency condition; and

IT IS FURTHER PROCLAIMED AND ORDERED that during the existence of said local emergency, the powers, functions, and duties of the Local Health Officer shall continue to be those prescribed by state law, including the provisions of Section 101085 of the California Health and Safety Code, and by any ordinances and resolutions of the County approved by the Board of Supervisors; and

IT IS FURTHER PROCLAIMED AND ORDERED that immediate action is required to remove hazardous wastes from property sites within the Butte Fire area that are toxic, flammable, corrosive, or reactive because of the imminent threat such wastes pose to public health and safety.

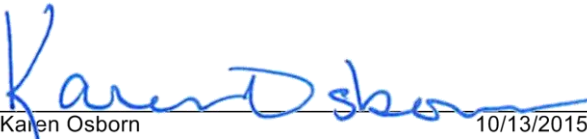
IT IS FURTHER PROCLAIMED that, Calaveras County does not have adequate resources to respond, **AND IT IS REQUESTED** that the State of California provide direct assistance to remove hazardous wastes from property sites within the Butte Fire area that are toxic, flammable, corrosive, or reactive because of the imminent threat such wastes pose to public health and safety.

ON A MOTION by Supervisor Wright seconded by Supervisor Kearney, the foregoing resolution was duly passed and adopted by the Board of Supervisors of the County of Calaveras, State of California this 13th day of October, 2015, by the following vote:

AYES:	Edson, Wright, Oliveira, Ponte, Kearney
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Cheryl W. Smith
10/13/2015

ATTEST


Karen Osborn
10/13/2015